

# California Victim Compensation and Government Claims Board

## Open Meeting Minutes

**May 19, 2005**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, May 19, 2005, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Kathleen Andleman, Chief Counsel; Tim Eldred, Manager, Government Claims Program; and Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

### MINUTES

The Board voted to adopt the minutes of the May 2, 2005 Board meeting. Mr. Ramos abstained from voting.

### GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:05 a.m.

#### Item 1 Government Claims Consent Agenda

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following change:

Item 159 Claimant: Robert Guinane **G552718**

Claimant requested the claim be continued to the June 16 Board meeting.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed	
			Paid via Gov. Code §965	Paid via Claims Bill
309	192	68	20	48

#### Item 2 CLAIMANT: Success in Challenges, Inc. **G550790**

The Board voted to adopt the staff recommendation to reject the claim as presenting complex issues of fact and law.

#### Item 3 CLAIMANT: California Department of Alcohol and Drug Programs **G540145**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$250,000.00 and paid pursuant to Government Code section 965.

Item 4 **CLAIMANT: Kern County Superintendent of Schools** **G551840**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$74,865.86 and paid pursuant to Government Code section 965.

Item 5 Tim Eldred, Manager, Government Claims Program, presented the "Consideration of Organizational Applications for the 2005 California State Employees' Charitable Campaign."

The Board unanimously voted to adopt the following staff recommendations:

- Approve the 40 applications for PCFD agencies shown in attachment C.
- Approve the 1,504 applications for PCFD-affiliated organizations shown in attachment D.
- Approve the 1,191 applications for non-affiliated organizations shown in attachment E.

The Board voted to adopt the staff recommendation to reject the request by United Way of Northern California for an administrative fee in excess of 18 percent. Ms. Scott abstained from voting.

Item 6 Tim Eldred, Manager, Government Claims Program, presented the "Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940, et seq."

The Board voted to adopt the staff recommendation to allow the Discharge from Accountability for Uncollectible Accounts in the amount of \$285,933,895.21 pursuant to Government Code section 13940, et seq.

**VICTIM COMPENSATION PROGRAM**

The Board commenced the Victim Compensation Program portion of the meeting at 10:15 a.m.

**EXECUTIVE OFFICER'S STATEMENT**

The Executive Officer reported on the following:

- New Claims Management System Moves Forward
- Phone Tree Enhances Customer Service in RRAD
- Fiscal Year 2005-2006 Budget Receives Senate and Assembly Approval
- Nearly Fifty Children Visit the Board on April 28
- Third Annual International Victimology Symposium in Fresno
- Victim Witness Coordinating Council Compensation Committee Meets
- Training for Victim Advocates
- Richard Anderson, Board Chief Deputy Executive Officer Retires

Ted Boughton, Deputy Executive Officer, Victims Compensation Program, reviewed the statistical reports dated July 1, 2004 through March 31, 2005 with the Board.

### **LEGISLATION REPORT**

Pamela Schneider, Deputy Executive Officer, Legislation, presented the Legislative Report dated May 5, 2005.

### **REQUESTS FOR RECONSIDERATION**

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 7, deny requests for reconsideration for agenda item numbers 8 through 26, and deny requests for reconsideration after Board action on a proposed decision for agenda item numbers 27 through 34.

Item 8	<b>CLAIMANT</b>	<b>838398V</b>
Item 9	<b>CLAIMANT</b>	<b>658401V</b>
Item 10	<b>CLAIMANT</b>	<b>658521V</b>
Item 11	<b>CLAIMANT</b>	<b>757817V</b>
Item 12	<b>CLAIMANT</b>	<b>767091V</b>
Item 13	<b>CLAIMANT</b>	<b>777797V</b>
Item 14	<b>CLAIMANT</b>	<b>780246V</b>
Item 15	<b>CLAIMANT</b>	<b>797099V</b>
Item 16	<b>CLAIMANT</b>	<b>821122V</b>
Item 17	<b>CLAIMANT</b>	<b>822481V</b>
Item 18	<b>CLAIMANT</b>	<b>832256V</b>
Item 19	<b>CLAIMANT</b>	<b>838067V</b>
Item 20	<b>CLAIMANT</b>	<b>840134V</b>
Item 21	<b>CLAIMANT</b>	<b>843343V</b>
Item 22	<b>CLAIMANT</b>	<b>844677V</b>
Item 23	<b>CLAIMANT</b>	<b>844717V</b>
Item 24	<b>CLAIMANT</b>	<b>850919V</b>
Item 25	<b>CLAIMANT</b>	<b>851865V</b>
Item 26	<b>CLAIMANT</b>	<b>852878V</b>
Item 27	<b>CLAIMANT</b>	<b>464806V</b>
Item 28	<b>CLAIMANT</b>	<b>568452V</b>
Item 29	<b>CLAIMANT</b>	<b>601533V, 601535V &amp; 601536V</b>
Item 30	<b>CLAIMANT</b>	<b>667517V</b>
Item 31	<b>CLAIMANT</b>	<b>668326V</b>
Item 32	<b>CLAIMANT</b>	<b>693353V &amp; 693354V</b>
Item 33	<b>CLAIMANT</b>	<b>759495V</b>
Item 34	<b>CLAIMANT</b>	<b>776866V</b>

### **CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN**

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 35 through 104.

**CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))**

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer, Chief Counsel at 10:28 a.m. to deliberate on the proposed decisions that were taken under submission during the meeting and to discuss the following pending litigation:

- Charles Meany v. California Victim Compensation and Government Claims Board  
*San Francisco County Superior Court CPF 03503699*
- MCI WorldCom Communications Inc. v. State of California, Victim Compensation and Government Claims Board and the Department of General Services *Sacramento County Superior Court 04CS00978*
- Thomas v. Victim Compensation and Government Claims Board  
*San Francisco County Superior Court CPF 05505098*
- Moss v. Victim Compensation and Government Claims Board

The Board reconvened into open session at 10:29 a.m.

**PROPOSED DECISIONS**

Item 105	<b><u>CLAIMANT</u></b>	<b><u>469517V</u></b>
The Board voted to adopt the proposed decision.		
Item 106	<b><u>CLAIMANT</u></b>	<b><u>487848V</u></b>
The Board voted to adopt the proposed decision.		
Item 107	<b><u>CLAIMANT</u></b>	<b><u>536606V</u></b>
The Board voted to adopt the proposed decision.		
Item 108	<b><u>CLAIMANT</u></b>	<b><u>748190V</u></b>
The Board voted to adopt the proposed decision.		
Item 109	<b><u>CLAIMANT</u></b>	<b><u>784755V</u></b>
The Board voted to adopt the proposed decision.		
Item 110	<b><u>CLAIMANT</u></b>	<b><u>786022V</u></b>
The Board voted to adopt the proposed decision.		
Item 111	<b><u>CLAIMANT</u></b>	<b><u>793071V</u></b>
The Board voted to adopt the proposed decision.		
Item 112	<b><u>CLAIMANT</u></b>	<b><u>799441V</u></b>
The Board voted to adopt the proposed decision.		
Item 113	<b><u>CLAIMANT</u></b>	<b><u>823629V</u></b>
The Board voted to adopt the proposed decision.		

**ADJOURNMENT**

The meeting was adjourned at 10:30 a.m.

KAREN McGAGIN  
Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of \_\_\_\_\_ at \_\_\_\_\_, California.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Missy Carrick  
Board Liaison

*(Affix seal here)*